(2) CHOOL

IN THE HIGH COURT OF JUDICATURE AT BILASPUR: CHHATTISGARH.

WRIT PETITION NO. 2706 /2003

PETITIONER : Miss Sanjula Sharma,
D/o Dr. Vijay Kumar Sharma,
Aged about 33 years,
Project Officer,
Integrated Child Development
Project, Baloda, Dist.Janjgir(C.G)

P.R. No. 25/6/03
Presented by Shri Sameer Behar
dated 29/6/03

- Versus -

RESPONDENTS :1). State of Chhattisgarh
Through: The Secretary,
Department of Women and Child
Development and Social Welfare,
Mantralaya, D.K.S. Building,
Raipur (C.G.).

2). Suryakant Gupta,
Project Officer,
Integrated Child Development
Project, Sarangarh,
Dist. Raigarh (C.G.).

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WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA.

1). Particulars of the Petitioner :-

As shown in the Cause-title.

2). Particulars of the Respondents :-

As shown in the Cause-title.

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HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 2706 of 2003

Petitioner: Miss Sanjula Sharma

Versus

Respondents: State of Chhattisgarh & another

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri**.

Shri Rajendra Tripathi, Advocate for the petitioner.
Shri Pankaj Shrivastava, Panel lawyer for the Respondent No.1.
None for respondent No. 2.

ORAL ORDER

(8th February, 2006)

The following order of the Court was passed by **Satish K. Agnihotri, J.**

1. The petitioner was working on the post of Project Officer, in the Integrated Child Development Project, Baloda, District- Janjgir Champa. Vide order dated 26.8.2003 (Annexure P/1) she was transferred in the Integrated Child Development Project, Abhanpur, District Raipur. The petitioner has filed this petiton challenging the impugned transfer order dated 26.8.2003 on the ground that the impugned order was passed without seeking permission from the co-ordination committee.
2. This Court by order dated 4.9.2003 granted interim relief to the effect that the petitioner should not be relieved till the next date of hearing. This order was never modified nor varied, later on. Accordingly, the petitioner has continued on the same place of posting, till date.

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3. Learned counsel for the petitioner submits that by virtue of this court's order dated 4.9.2003, the petitioner has continued on the same old place of posting and the impugned order was never given effect to in respect of the petitioner. The petitioner has been granted final relief by interim order. The petitioner could not continue at one place forever.

4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations. In the facts and circumstances of the case, it is not necessary to examine validity of the transfer order at this stage. In the facts of the case, the respondents are directed not to insist upon compliance of the impugned transfer order.

5. This petition has become infructuous with the passage of time. Accordingly the petition is dismissed as having become infructuous. However, respondents/authorities are at liberty to pass appropriate order for posting the petitioner in the public interest and administrative exigency, in accordance with law. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur